

Appl. No. 09/494,540
Reply Dated 08/15/2005
Reply to Final Office Action of 05/18/2005

REMARKS

This paper is in response to the Final Office Action mailed on 05/18/2005. In the Final Office Action, claims 7, 20, and 31 were rejected under 35 U.S.C. § 103(a); and claims 8-9, 21-22, and 32 were objected. Reexamination and reconsideration in view of the remarks made herein is respectfully requested.

Claims 7-9, 20-22, and 31-32 were previously pending. Claims 1-6, 10-20, and 23-30 were previously cancelled.

Applicant has amended claims 7, 9, 20, 22, and 31-32 by this response. Claims 8 and 21 have been cancelled without prejudice. No new claim has been added. Accordingly, claims 7, 9, 20, 22, and 31-32 are now pending. All six of the pending claims are now independent claims. Applicant believes that no new matter has been added by this response.

I) Claim objections - Dependency

In Section 6 of the Final Office Action, claims 8-9, 21-22, and 32 were objected for being dependent upon a rejected base claim. The Final Office Action indicated therein that the claims would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims.

Applicant has amended independent claim 7 to include the limitations of dependent claim 8. Thus, independent claim 7 is now in condition for allowance and Applicant has cancelled claim 8 without prejudice.

Applicant has amended independent claim 20 to include the limitations of dependent claim 21. Thus, independent claim 20 is now in condition for allowance and Applicant has cancelled claim 21 without prejudice.

Applicant has amended claim 32 into independent form including the limitations respectively from the rejected independent claim 31 from which it directly depended. Thus, claim 32 now amended into independent form is now in condition for allowance.

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Applicant has amended claims 9 and 22 into independent form including the limitations respectively from the rejected independent claims 7 and 20. However, the intervening limitation of claim 8 was not added into claim 9. Nor was the intervening limitation of dependent claim 21 added into claim 22. To do so would make the claims indefinite as β cannot be both greater than β' and less than β' at the same time. Moreover, Applicant respectfully submits that without the intervening limitations, independent claims 9 and 22 are still allowable for the reasoning set forth in section 6 of the office action, "the prior art of record fails to show or suggest the reciting method of compositing (i.e., one in which β is not equal to β')".

Applicant believes the cancellation of claims 8 and 21 and the amendments to claims 9, 22, and 32 now make this objection moot. Applicant respectfully requests the withdrawal of this objection to claims 8-9, 21-22, and 32.

II) Claim Rejections Under 35 U.S.C. § 103(a)

In section 2 of the Final Office Action, independent claim 7 was rejected to under 35 U.S.C. § 103(a) as being made obvious by Japanese Patent No. JP 6-339150 by Haruo Matsui ("Matsui"). Applicant respectfully traverses this rejection.

In section 3 of the Final Office Action, independent claim 20 was rejected to under 35 U.S.C. § 103(a) as being made obvious by Matsui. Applicant respectfully traverses this rejection.

In section 4 of the Final Office Action, independent claim 31 was rejected to under 35 U.S.C. § 103(a) as being made obvious by Matsui. Applicant respectfully traverses this rejection.

Applicant has amended independent claims 7, 20, and 31.

As discussed previously, Applicant has amended independent claim 7 to include the limitations of dependent claim 8. Section 6 indicated that claim 8 would be allowable if rewritten into independent form. Thus, independent claim 7 as amended is now in condition for allowance over the prior art of record.

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As discussed previously, Applicant has amended independent claim 20 to include the limitations of dependent claim 21. Section 6 indicated that claim 21 would be allowable if rewritten into independent form. Thus, independent claim 20 as amended is now in condition for allowance over the prior art of record.

Applicant has amended independent claim 31 to include the limitations of "wherein B is greater than B' thereby limiting the intensity of the foreground shadow" which are found in independent claims 9 and 22 which were indicated as being allowable in section 6 of the office action if they were written into independent form. Also in section 6 of the Office Action, dependent claim 32 was indicated as being allowable if written into independent form adding the limitations of independent claim 31 with the limitations of "wherein B is less than B' thereby limiting the intensity of the background image". For these reasons, Applicant respectfully submits that independent claim 31 as amended is also in condition for allowance.

For the foregoing reasons, Applicant respectfully requests that the 35 USC 103(a) rejections of claims 7, 20, and 31 over Matsui be withdrawn.

III) Other Claim Amendments

Claim 22 was further amended to delete "signal" in the phrase "intensity of the foreground shadow signal" in order to be consistent with the prior usage of the phrase.

Claim 32 was further amended to delete "signal" in the phrase "intensity of the background image signal" in order to be consistent with the prior usage of the phrase.

Claim 20 was further amended to add the acronym -BG-- after the phrase "background video image signal". This is consistent with the use of the acronym "BG" in claims 7 and 31, following the phrase "background video image signal".

Applicant respectfully submits that these amendments were not made for reasons related to patentability.

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CONCLUSION

In view of the foregoing it is respectfully submitted that the pending claims are in condition for allowance.

Reconsideration of the rejections and objections is requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the Patent and Trademark Office under 37 CFR §1.8 on: August 15, 2005 to Examiner David E. Harvey at (571) 273-8300.

Chad Gordon

8/15/05

Date